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PAGE 01 STATE 090729

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1. FOLLOWING TEXT IS PART I OF PLANNED US ROUND TABLE
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PAGE 02 STATE 090729

2. REQUEST EMBASSY PASS TEXT TO APPROPRIATE HOST COUNTRY
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3. REQUEST USNATO CIRCULATE TEXT, AS APPROPRIATE, TO

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(BEGIN TEXT)

UNITED STATES DISCUSSION PAPER FOR THE ENVIRONMENTAL
ROUND TABLE OF THE 1976 SPRING PLENARY OF THE COMMITTEE
ON THE CHALLENGES OF MODERN SOCIETY:

THE UNITED STATES APPROACH TO ENVIRONMENTAL
DECISION MAKING

THE UNITED STATES DELEGATION GREATLY APPRECIATES THE
SUGGESTION OF OUR BRITISH COLLEAGUES THAT THE SPRING 1976
ENVIRONMENTAL ROUND TABLE BE ORIENTED TO THE IMPORTANT
SUBJECT OF THE ASSESSMENT OF POLLUTION HAZARDS AND DETER-
MINATION OF ENVIRONMENTAL STANDARDS.

WE TRUST THAT THE FOLLOWING BROAD OVERVIEW OF THE
UNITED STATES' APPROACH TO ENVIRONMENTAL DECISION MAKING
WILL BE OF VALUE IN FOCUSING THE DISCUSSION OF THE ROUND
TABLE.

ANYONE WHO HAS HAD TO DEAL WITH THE FULL SCOPE OF AN
ENVIRONMENTAL ISSUE HAS QUICKLY RECOGNIZED THAT SUCH
ISSUES REPRESENT PERFECT EXAMPLES OF WHAT STUDENTS OF
DECISION THEORY WOULD CALL COMPLEX PROBLEMS. IN A TYPI-
CAL ENVIRONMENTAL ISSUE ALL THREE OF THE BASIC ELEMENTS
OF COMPLEXITY ARE PRESENT: (A) CONFLICTING OBJECTIVES,
(B) DISTRIBUTION OF DECISION MAKING POWER AMONG SEVERAL
INSTITUTIONS AND INDIVIDUALS, AND (C) UNCERTAINTY ABOUT
THE CONSEQUENCES OF ANY PARTICULAR DECISION.

AS EVIDENCE OF THIS CHARACTERIZATION, A QUICK EXAMI-
NATION OF A BROAD RANGE OF CURRENT ENVIRONMENTAL ISSUES
WILL REVEAL A NUMBER OF FACTORS IN COMMON. DECISIONS ON
ENVIRONMENTAL POLICIES AND STANDARDS INEVITABLY INVOLVE
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PAGE 03 STATE 090729

SIGNIFICANT COSTS AND BENEFITS WHICH FALL UNEVENLY UPON
DIFFERENT PARTS OF SOCIETY. THE AUTHORITY FOR THESE
DECISIONS USUALLY LIES WITH SEVERAL LEVELS OF GOVERNMENT
AND IS SUBJECT TO THE INFLUENCE OF NUMEROUS INTEREST
GROUPS AS WELL AS THE PUBLIC AT LARGE. MOREOVER, THE
IMPACTS OF THESE DECISIONS OFTEN ARE VERY COMPLEX AND
DIFFICULT TO ESTIMATE. WITHIN THIS ATMOSPHERE OF ECONOMIC
TRADEOFFS, THREATS TO PUBLIC HEALTH, COMPETING INTEREST
GROUPS, AND UNCERTAIN DATA, THE DIFFICULT AND SOMETIMES
AGONIZING WORK OF GOVERNMENT DECISION MAKERS MUST BE
CARRIED OUT. IT IS FROM THIS CONTEXT THAT THE TOPIC OF
THIS PAPER HAS BEEN DERIVED. MORE SPECIFICALLY, THE
PROBLEM WHICH WILL BE DISCUSSED IS THAT OF MAKING RATIONAL
DECISIONS ON ENVIRONMENTAL ISSUES IN THE ABSENCE OF COM-

plete data on the costs and benefits involved. In the ideal world, it is fair to say that the objective of most decision makers would be to develop solutions to environmental problems which are consistent with the severity of the problems themselves. More precisely, in the terms of economists, the objective would be to establish environmental standards such that the marginal costs of such standards would equal the marginal benefits. Such an objective suggests that environmental standards should be established on a case-by-case basis with costs and benefits of alternative standards being evaluated in quantitative terms that allow simple comparisons. In the real world, however, this approach is seldom possible. Limitations on data and analytical techniques make it difficult, if not impossible, in most cases to make environmental decisions on the basis of cost-benefit considerations. These constraints, combined with limitations on time and resources, often make case-by-case standard setting impractical. Moreover, given the nature of environmental risks and the responsibility vested in regulatory agencies for the protection of public health, it is not acceptable to postpone decisions on these problems indefinitely in the hope that better data may be obtained in the future. The public interest often demands precautionary environmental regulations based on the best data available.

UNCLASSIFIED

PAGE 04 STATE 090729

This paper provides a brief discussion of this problem and examines the ways in which the United States has attempted to deal with it in its environmental programs. The first half of this paper will discuss the problems associated with cost-benefit analysis, focusing not only on the constraints involved in cost-benefit analysis but also on the kinds of data that typically can be developed in actual cases. The second half of this paper will focus on the approach followed by the U.S. in dealing with environmental problems. The emphasis will be on the legislative and administrative activities of the federal government from the perspective of the way in which data limitations affect approaches to environmental problems and the administrative steps and procedures that are employed to compensate for the lack of complete data on the costs and benefits of environmental regulations.

I. NATURE OF THE COST-BENEFIT ANALYSIS PROBLEM

The problems associated with the cost-benefit approach to evaluating alternative environmental

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REGULATIONS CAN BE DIVIDED INTO THREE CATEGORIES: (1) DETERMINATION OF COSTS, (2) DETERMINATION OF BENEFITS, AND (3) TRANSLATING COSTS AND BENEFITS INTO COMPARABLE MEASURES. THE LIMITATIONS AND POTENTIALS FOR DEALING WITH EACH OF THESE TASKS CAN BE DISCUSSED SEPARATELY. IN DISCUSSING THESE PROBLEMS IT IS IMPORTANT TO RECOGNIZE THAT THE TERM "COSTS" IN THIS PAPER REFERS TO THE COSTS AND IMPACTS TO SOCIETY OF TAKING A PARTICULAR REGULATORY ACTION SUCH AS LIMITING THE EFFLUENT FROM A FACTORY OR BANNING THE USE OF A HAZARDOUS PRODUCT. THE TERM "BENEFITS," ON THE OTHER HAND, REFERS TO THE BENEFITS TO SOCIETY FROM REDUCED ENVIRONMENTAL DAMAGES. EXAMPLES WOULD INCLUDE IMPROVED HEALTH, REDUCED DEATH RATES, AND REDUCTIONS IN DAMAGES TO CROPS AND STRUCTURES.

A. COSTS

UNCLASSIFIED

PAGE 05 STATE 090729

DETERMINATION OF COSTS PROBABLY IS THE EASIEST PART OF A COST-BENEFIT ANALYSIS, BUT EVEN THIS STEP HAS SIGNIFICANT DIFFICULTIES. COSTS IN THE MORE COMMON SENSE MIGHT MEAN SIMPLY THE INVESTMENT AND OPERATING COSTS ASSOCIATED WITH A PARTICULAR CONTROL MEASURE. IN SUCH CASES, GIVEN A REASONABLE AMOUNT OF TIME AND EFFORT, IT USUALLY IS POSSIBLE TO DERIVE A RELIABLE ESTIMATE OF THE COSTS OF ALTERNATIVE ENVIRONMENTAL REGULATIONS. HOWEVER, DUE TO A NUMBER OF FACTORS, EVEN THIS TYPE OF ANALYSIS CAN BECOME COMPLICATED. IN CASES WHERE A LARGE NUMBER OF DIFFERENT KINDS OF FACILITIES IS INVOLVED, AS WITH A DIVERSE MANUFACTURING INDUSTRY, OBTAINING RIGOROUS ENGINEERING ESTIMATES OF COSTS CAN BE PROHIBITIVELY TIME CONSUMING AND EXPENSIVE. MOREOVER, USING THE MANUFACTURING EXAMPLE AGAIN, IT OFTEN IS QUITE DIFFICULT TO SEPARATE COSTS FOR ENVIRONMENTAL PURPOSES FROM COSTS ASSOCIATED WITH THE MANUFACTURING PROCESS.

ASIDE FROM THE ENGINEERING AND ACCOUNTING DIFFICULTIES IN DETERMINING INVESTMENT AND OPERATING COSTS, THERE IS A WHOLE SET OF PROBLEMS ASSOCIATED WITH DETERMINING THE TRUE IMPACTS OF THOSE COSTS. INCREASED COSTS FOR MANUFACTURING CAN MEAN HIGHER PRICES FOR CONSUMERS AND POSSIBLE CLOSURES OR CURTAILMENTS OF PLANTS ALONG WITH THE ASSOCIATED DISPLACEMENT OF WORKERS. THE COMBINATION OF HIGHER COSTS IN BOTH THE PRIVATE AND PUBLIC SECTORS CAN LEAD TO IMPACTS OF A MORE MACROECONOMIC NATURE SUCH AS EFFECTS ON LONG-TERM GROWTH, NATIONAL UNEMPLOYMENT LEVELS, AND TRADE BALANCES. WHILE THESE FACTORS MAY NOT BE VIEWED AS TRUE COSTS IN A STRICT ECONOMIC SENSE, THEY CERTAINLY ARE RELEVANT TO RESPONSIBLE DECISION MAKERS.

IN SUMMARY, DETERMINATION OF THE COST OF ENVIRONMENTAL REGULATIONS INVOLVES ANALYSES WHICH ARE RELATIVELY STRAIGHTFORWARD AND ACCEPTED. HOWEVER, EVEN IN THESE TYPES OF ANALYSES THERE ARE PITFALLS AND LIMITATIONS AGAINST WHICH ANALYSTS AS WELL AS DECISION MAKERS MUST GUARD.

B. BENEFITS

UNCLASSIFIED

PAGE 06 STATE 090729

THE DETERMINATION OF BENEFITS IS EVEN MORE DIFFICULT THAN THE DETERMINATION OF COSTS. ONE OF THE REASONS FOR THIS DIFFICULTY IS THE FACT THAT INTENSE INTEREST IN, AND ATTENTION TO, THE MORE SUBTLE FORMS OF ENVIRONMENTAL EFFECTS HAS DEVELOPED ONLY OVER THE LAST ONE OR TWO DECADES. AS A RESULT, OUR KNOWLEDGE AND UNDERSTANDING OF THESE PROBLEMS IS STILL IN SOMEWHAT OF AN INFANT STATE. HOWEVER, EVEN UNDER THE BEST OF CONDITIONS AND WITH THE ADVANTAGE OF YEARS OF ADDITIONAL RESEARCH EFFORT THERE STILL WOULD BE GREAT DIFFICULTY IN QUANTIFYING THE BENEFITS OF ENVIRONMENTAL REGULATIONS.

IN THE CASE OF HEALTH EFFECTS THE GOVERNMENT REGULATOR SEEKS ANSWERS TO QUESTIONS INVOLVING LOW PROBABILITY EVENTS THAT TYPICALLY OCCUR UNDER CONDITIONS DIFFICULT TO SIMULATE IN THE LABORATORY. THUS, THE LOW DOSE EXPOSURE RATES TYPICAL OF MOST CHEMICALS IN THE ENVIRONMENT AND THE LATENT RESPONSE NATURE OF MANY DISEASES MAKE IT EXTREMELY DIFFICULT TO OBTAIN STATISTICALLY VALID DATA ON CAUSE AND EFFECT RELATIONSHIPS. ASIDE FROM THE PROBLEM OF IDENTIFYING HEALTH EFFECT RELATIONSHIPS FOR VARIOUS CHEMICALS, IT OFTEN IS JUST AS DIFFICULT TO DETERMINE ACTUAL EXPOSURE LEVELS RESULTING FROM A PARTICULAR SOURCE OF POLLUTANT. YET THIS INFORMATION IS CRITICAL IN DETERMINING WHETHER AN ENVIRONMENTAL HAZARD ACTUALLY EXISTS AND IN IDENTIFYING THE SOURCE OF SUCH A HAZARD. THESE AND OTHER LIMITATIONS RESULT IN DATA ON ENVIRONMENTAL DAMAGES THAT USUALLY CAN BE EXPRESSED ONLY WITH LARGE ERROR RANGES, THUS RENDERING THEM LESS USEFUL FOR ANY TYPE OF STRICT BALANCING OF COSTS AND BENEFITS.

ANOTHER CRITICAL ASPECT OF THE TASK OF DETERMINING BENEFITS IS THE PROBLEM OF UNDERSTANDING THE DISTRIBUTION OF ENVIRONMENTAL EFFECTS ON THE GENERAL PUBLIC. JUST AS LOW AGGREGATE COSTS MAY FALL QUITE HEAVILY ON A SMALL SEGMENT OF SOCIETY, THE IMPACT OF ENVIRONMENTAL POLLUTION FREQUENTLY FALLS UNEVENLY ON THE GENERAL PUBLIC DUE TO THE EXISTENCE OF PARTICULARLY SUSCEPTIBLE POPULATION SEGMENTS. EXAMPLES ARE YOUNG INFANTS, THE ELDERLY, AND PEOPLE WITH RESPIRATORY AND CARDIOVASCULAR DISEASES. INFORMATION ON DISTRIBUTION OF EFFECTS IS IMPORTANT IN

UNCLASSIFIED

PAGE 07 STATE 090729

DETERMINING THE FOCUS AND LEVEL OF ENVIRONMENTAL STANDARDS.

THE PRESENCE OF THESE LIMITATIONS DOES NOT MEAN THAT USEFUL INFORMATION ON ENVIRONMENTAL DAMAGES AND THE POTENTIAL BENEFITS OF ENVIRONMENTAL REGULATIONS CANNOT BE DEVELOPED. TO THE CONTRARY, IT STILL IS POSSIBLE TO OBTAIN USEFUL DATA WHICH CAN PROVIDE COMPELLING ARGUMENTS FOR REGULATORY ACTION. SEVERAL SPECIFIC TYPES OF DATA WHICH CAN BE DEVELOPED ARE WORTH MENTIONING BRIEFLY.

HUMAN HEALTH DATA CAN BE OBTAINED IN SOME SITUATIONS EITHER THROUGH AN ANALYSIS OF ACCIDENTAL OR OCCUPATIONAL EXPOSURES. SUCH DATA, WHEN IT IS AVAILABLE, CAN SERVE AS A VERY SOUND BASIS FOR REGULATORY DECISIONS SINCE IT TENDS TO MEET EVEN THE MOST STRINGENT CRITERIA FOR PROOF OF A HEALTH HAZARD. IN ADDITION, EPIDEMIOLOGICAL DATA CAN BE QUITE RELEVANT SINCE IT FOCUSES ON WIDESPREAD EXPOSURES OF CHEMICALS AND OTHER HAZARDOUS MATERIALS TO HUMANS UNDER NATURAL CONDITIONS. SUCH DATA CAN PROVIDE USEFUL CORRELATIONS BETWEEN DISEASES AND EXPOSURES TO CERTAIN SUBSTANCES. THE DISADVANTAGE OF EPIDEMIOLOGICAL DATA IS THE ABSENCE OF EVIDENCE ON CAUSATIVE FACTORS DIRECTLY LINKING EXPOSURES TO HEALTH PROBLEMS.

CLINICAL EXPOSURE OF HAZARDOUS SUBSTANCES TO HUMANS UNDER CONTROLLED CONDITIONS CAN PROVIDE THE MOST DIRECT DOSE-EFFECT RELATIONSHIPS FOR THE SPECIFIC RANGE OF EXPOSURES UNDER SCRUTINY. THESE EXPERIMENTS ARE INVALUABLE IN ESTABLISHING THE HEALTH BASIS FOR ENVIRONMENTAL STANDARDS. THE DISADVANTAGES OF SUCH EXPERIMENTS LIE PRIMARILY IN THEIR DESIGN. LABORATORY SIMULATION OF THE NATURAL VARIABILITY OF THE ENVIRONMENT IS DIFFICULT, AND EXPERIMENTATION WITH HUMAN SUBJECTS IS LIMITED DUE TO ETHICAL CONSIDERATIONS. IN ADDITION, THE LIMITED SIZE OF MOST EXPERIMENTAL SAMPLES MAKES GENERALIZATIONS SUBJECT TO ERROR. AS A RESULT OF THESE LIMITATIONS, INVESTIGATORS OFTEN ARE FORCED TO RELY ON CONTROLLED EXPERIMENTATION ON ANIMALS IN ORDER TO DIRECTLY DETERMINE THE TOXIC EFFECT OF A SUBSTANCE AND ITS CAUSAL DISEASE RELATIONSHIP. THIS APPROACH, HOWEVER, REQUIRES THE EXTRAPOLATION OF ANIMAL

UNCLASSIFIED

PAGE 08 STATE 090729

DATA TO MAN, WHICH MAY BE QUESTIONABLE FOR PURPOSES OF JUSTIFYING OR DETERMINING ENVIRONMENTAL STANDARDS.

FINALLY, MONITORING INFORMATION CAN BE USED TO DETERMINE LEVELS OF CONTAMINATION AND THE ROUTE OF CONTAMINANTS

INTO THE ENVIRONMENT. A COMBINATION OF MONITORING, CENSUS, AND HEALTH DATA CAN PROVIDE REASONABLE ESTIMATES OF THE EXTENT OF EXPOSURE IN THE GENERAL POPULATION.

HOWEVER, AS MENTIONED EARLIER, THIS DATA, AS WELL AS THE OTHER DATA MENTIONED ABOVE, MAY HAVE TO BE EXPRESSED IN TERMS OF RANGES THAT ARE SO WIDE AS TO MAKE A RIGOROUS COST-BENEFIT ANALYSIS LESS THAN MEANINGFUL.

C. COMPARISONS OF COSTS AND BENEFITS

THE THIRD AND POSSIBLY MOST SIGNIFICANT OBSTACLE TO COST-BENEFIT ANALYSIS FOR ENVIRONMENTAL DECISION MAKING IS THE TASK OF CONVERTING COST AND BENEFIT DATA INTO COMPARABLE UNITS OF MEASURE. EVEN IF THE COSTS OF ALTERNATIVE STANDARDS COULD BE ESTIMATED WITH REASONABLE ACCURACY AND EVEN IF BENEFITS COULD BE IDENTIFIED AND PERHAPS QUANTIFIED, HOW CAN THE TWO BE COMPARED? WITHIN THE COST SIDE OF THE EQUATION ITSELF, WHAT VALUE SHOULD BE PLACED ON THE DISPLACEMENT OF WORKERS? ON THE BENEFITS SIDE, WHAT ACCEPTABLE MEASURE HAS BEEN DEVELOPED WHICH CAN PLACE A VALUE ON A HUMAN LIFE? THE PROBLEM OF QUANTIFYING BENEFITS IN TERMS COMPARABLE TO COSTS IS NOT LIMITED ONLY TO HEALTH-RELATED BENEFITS, BUT APPLIES ALSO TO OTHER POTENTIAL ENVIRONMENTAL EFFECTS SUCH AS AESTHETICS, PROTECTION OF WILDERNESS AREAS, AND SURVIVAL OF ENDANGERED SPECIES.

FURTHERMORE, NO ACCEPTABLE METHOD EXISTS FOR PLACING A VALUE ON BENEFITS THAT WILL OCCUR IN THE DISTANT FUTURE RATHER THAN IMMEDIATELY. THE USE OF DISCOUNTING (AS IN DISCOUNTED CASH FLOW ANALYSIS) HAS SERIOUS LIMITATIONS SINCE IT IMPLIES, FOR EXAMPLE, THAT FUTURE LIVES ARE WORTH LESS THAN CURRENT ONES.

THUS, IT IS INEVITABLE THAT DECISIONS CONCERNING ENVIRONMENTAL HAZARDS INVOLVE VALUES ABOUT WHICH INFORMED UNCLASSIFIED

PAGE 09 STATE 090729

DECISION MAKERS AS WELL AS THE GENERAL PUBLIC AND SCIENTISTS WILL DISAGREE. WHILE THERE ARE DECISION MODELS WHICH CAN ASSIST IN ORDERING AND EVALUATING AVAILABLE DATA, THERE ARE NO EMPIRICAL FORMULAS WHICH WILL ENABLE DECISION MAKERS TO SUMMARIZE THE COSTS AND BENEFITS OF REGULATORY OPTIONS IN TERMS OF SOME QUANTITATIVE COMMON DENOMINATOR. IN FACT, TOO MUCH RELIANCE ON EXISTING COST-BENEFIT MODELS WITH THEIR APPEARANCE OF OBJECTIVITY AND ACCURACY CAN BE MORE OF A HINDRANCE THAN A HELP.

THE FOREGOING DISCUSSION SHOULD NOT BE TAKEN AS A CASE AGAINST ALL ENVIRONMENTAL ACTION OR AGAINST COST-BENEFIT ANALYSIS. RATHER, IT SHOULD BE SEEN AS AN ARGUMENT FOR CAUTION AGAINST MISUSE OF AVAILABLE DATA AND

EXISTING ANALYTICAL TECHNIQUES. A STRICT COST-BENEFIT ANALYSIS MAY NOT BE PRACTICAL OR USEFUL IN MANY ENVIRONMENTAL DECISIONS. HOWEVER, DECISION MAKERS SHOULD AS A

MINIMUM DEMAND THAT ALL AVAILABLE AND RELEVANT DATA BE OPENLY PRESENTED IN CLEAR TERMS. WHILE MODERN TECHNIQUES OF RISK ANALYSIS AND DECISION THEORY ARE NOT CAPABLE OF DICTATING CLEARLY OPTIMAL DECISIONS, THEY CAN HELP IN ORGANIZING AVAILABLE INFORMATION, DISPLAYING TRADEOFFS, AND POINTING OUT UNCERTAINTIES. OBTAINING THE OPINION OF A BALANCED VARIETY OF INTEREST GROUPS AND THE GENERAL PUBLIC CAN PROVIDE GUIDANCE ON THE IMPORTANCE THAT SHOULD BE PLACED ON NONQUANTIFIABLE COSTS AND BENEFITS. IN SUMMARY, IT IS IMPORTANT TO RECOGNIZE THAT ENVIRONMENTAL DECISIONS USUALLY CAN BE REACHED ONLY ON THE BASIS OF JUDGMENT COMBINED WITH KNOWLEDGE OF THE AVAILABLE DATA AND THE OPINIONS OF INTERESTED AND AFFECTED PARTIES. THIS APPROACH TO ENVIRONMENTAL DECISION-MAKING POSSIBLY CAN BE BETTER UNDERSTOOD BY EXAMINING THE WAY IN WHICH THE U.S. HAS ATTEMPTED TO DEAL WITH THE PROBLEM IN ITS ENVIRONMENTAL LEGISLATION AND REGULATORY PROGRAMS. (END TEXT OF SECTION ONE.)

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